

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

IN THE MATTER OF

CHAPTER 13

RE:

BENJAMIN WILLIAM FERGUSON

CASE NO.: 09-13416-JKC-13

RAEGAN DAE FERGUSON

Debtors

MOTION TO MODIFY PLAN

The debtor, by counsel, and in support of her Motion to Modify Plan pursuant to 11 U.S.C. § 1329, states to the Court as follows:

1. The Court has jurisdiction over this proceeding under 28 U.S.C. § 1334.
2. This is a core proceeding pursuant to 28 U.S.C. § 157 (b) (2) (A).
3. The debtors filed a petition for relief under Chapter 13 of the Bankruptcy Code on September 11, 2009. The Court confirmed the debtors' Chapter 13 Plan on December 9, 2009. The confirmed Chapter 13 Plan calls for payments of \$1,919.56 per month to the Chapter 13 Trustee for a total plan base of \$115,173.00.
4. The debtors, through no action of their own, would incur out of pocket necessary expenses as follows: excessive automobile repairs to replace the transmission on their 2007 Chevy Impala.
5. Debtor does not have the ability to generate additional income to cover these expenses so a modified plan and payment is required.
6. Debtors' current plan calls the 2007 Chevy Impala to be treated in their Plan as a secured creditor with an approximate claim to Nuvel Credit of \$20,000.00, which has been paid in full.
7. Debtors have investigated the expense in purchasing a replacement vehicle so that they can have reliable, yet affordable transportation and through said investigation believe they can obtain said vehicle for the approximate monthly payment of \$400.00.
8. The debtor requests that their Chapter 13 Plan be modified as follows: the debtor shall pay the sum of \$84,448.80 through 5/2013 (43 months) commencing in June 2013, pay to the Trustee the sum of \$1,519.56 per month for 17 consecutive months, (\$25,832.52) for a 60 month plan

base of \$110,281.32. Further, Debtor shall receive the title to the 2007 Impala to assist with a down payment.

9. Debtor files simultaneously herewith Amended Schedule J to reflect a proposed new monthly car payment.

WHEREFORE, the debtor requests that the Court modify her Chapter 13 Plan as proposed and grant the debtor such further relief as the Court deems just and proper.

Respectfully submitted,

/s/ Janet Davis Hocker

Janet Davis Hocker
ATTY NO., #17380-49
HOCKER & ASSOCIATES,
7202 N. Shadeland Ave.; Ste. 207
Indianapolis, IN 46250
Phone: 317.578.1630
Fax: 317.849.1892
Email: janet.hocker@hockerlaw.com
Attorney for Debtor(s)

CERTIFICATE OF SERVICE

This is to certify that a true and accurate copy of this Motion to Modify Plan was served on the parties through electronic Court noticing on 5/16/2013, or at the addresses listed below or attached hereto.

/s/ Janet Davis Hocker

Janet Davis Hocker
Attorney for Debtor #17380-49
HOCKER & ASSOCIATES LLC
7202 N. Shadeland Ave.; Ste. 207
Indianapolis, IN 46250
Phone: 317.578.1630
Fax: 317.849.1892
Email: janet.hocker@hockerlaw.com
Attorney for Debtor

SERVICE LIST:

Chapter 13 Trustee
Robert A. Brothers
151 N. Delaware St.

Suite 1400
Indianapolis, IN 46204

U.S. Trustee
101 W. Ohio St., Ste. 1000
Indianapolis, IN 46204